

IN THE COURT OF MUNICIPAL MAGISTRATE 4<sup>th</sup> COURT, CALCUTTA.

*Present:*  
*Smt. Kadambari Adhikari*  
*J O Code No: W B 1282*

**Case No. CrI. Misc. 1041 of 2018**  
**CNR- WBCS – 03-000- 367-2018**

**Dated. 29.10.2024**

Today is fixed for passing order.

LD. APP is present.

Now the record is taken up for passing order.

On 23.04.2024, IO of this case submitted charge sheet dated 30.03.2019 and another supplementary charge sheet dated 18.04.2024. Despite several reminders and directions, IO submitted charge sheet after almost more than six years of the registration of FIR.

Accordingly, explanation was sought from him for such inordinate delay in submission of the charge sheet when it was prepared already on 30.03.2019.

An explanation was submitted by him duly forwarded by O/C of Haridevpore PS.

As per the explanation by the IO, he completed investigation but due to Covid and subsequent transfer he could not submit the charge sheet on time.

Further, at the time of depositing the charge sheet, Ld. Senior Municipal Magistrate, Calcutta has opined to collect some more documents for evidence. He started further investigation and gave further notice to some departments of KMC and more persons were examined.

Subsequently he submitted supplementary charge sheet.

On perusal of his report, it is found that there is no specific date mentioned by the IO as to when did he approach before the Court for submission of the charge sheet after completion of the investigation. There is no specific order of the LD. Court in this respect.

It appears from the materials of CD that subsequent to the charge sheet dated 30.03.2019, he made communication to the Building Department and examined witness in the year 2021. But there is no further development in the further investigation. There is no explanation for the delay since the year 2021. There seems to be

lack of promptness and diligence in the conduct of the IO in the investigation of this case.

However, on perusal of the CD, charge sheet and the documents annexed therewith, it appears that there is prima-facie materials against the accused Bidesh Patra to proceed against him u/s. 401A of KMC Act.

The Officer-in-charge, Haridevpore PS has forwarded the final report u/s. 173 CrPC, 1973 submitted by the IO vide charge sheet no 80/2019 dated 30.03.2019 and supplementary charge sheet being no – 143 / 2024 dated 18.09.2024 punishable u/s. 401A of KMC Act, 1980 against the accused Bidesh Patra along with relevant documents on which the prosecution proposes to rely and the statements recorded u/s. 161 of CrPC of all the persons whom the prosecution proposes to examine as its witnesses.

Scrupulously scrutinized the report and accompaniments by applying judicial mind.

Upon such careful consideration and exercise of sound judicial discretion to the facts and circumstances of the case and materials placed it appears that the investigation of this case has culminated in the above mentioned final report. With this final report the investigation has come to its natural end. The facts and allegations, set out in the final report and the supplementary charge sheet, have constituted the above mentioned offence.

Hence the final report and the supplementary charge sheet are accepted and cognizance of the above mentioned offence is taken.

As per the charge sheet the accused Bidesh Patra is absconding.

Issue W/A against the accused person.

Let copy of this order be communicated to Joint CP, Crime for information to prevent any repetition in future by the IO of this case.

Bench Clerk is to comply the same.

Fix 27.12.2024 for E/R of W/A.

Municipal Magistrate,  
4<sup>th</sup> Court, Calcutta